

PATENT
Attorney Docket No. 101.0092-02000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 6591
Gary Karlin Michelson)
Serial No.: 10/669,287) Group Art Unit: 3738
Filed: September 24, 2003) Examiner: Thomas Barrett
For: EXPANDABLE PUSH-IN ARCUATE)
INTERBODY SPINAL FUSION IMPLANT)
WITH TAPERED CONFIGURATION)
DURING INSERTION)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Petitioner ("applicant/owner") Gary Karlin Michelson, residing at 13140 Boca De Canon Lane, Los Angeles, California 90049 represents that he is the only applicant/owner of the entire right, title and interest in and to the above-identified application, Serial No. 10/669,287 filed September 24, 2003 for EXPANDABLE PUSH-IN ARCUATE INTERBODY SPINAL FUSION IMPLANT WITH TAPERED CONFIGURATION DURING INSERTION and is the only applicant/owner of the entire right, title and interest in and to application Serial No. 09/772,309, filed January 29, 2001 (now U.S. Patent No. 6,709,458), for EXPANDABLE PUSH-IN ARCUATE INTERBODY SPINAL FUSION IMPLANT WITH TAPERED CONFIGURATION DURING INSERTION. Applicant/owner Gary Karlin Michelson further represents through his representative, that to the best of his knowledge and belief, title to the above-identified application and the United States Patent No. 6,709,458 are in applicant/owner, which is submitting this Terminal Disclaimer.

To obviate a double patenting rejection, applicant/owner Gary Karlin Michelson hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified application, Serial No. 10/669,287, which would extend beyond the expiration date of Patent No. 6,709,458 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to